

UNITED STATES DISTRICT COURT
for the
WESTERN DISTRICT OF MISSOURI

Thomas R. McLean, MD

Plaintiff,

v.

Margaret Bruce, as the Personal
Representative for the Estate of Jeffrey Bruce,

Defendant.

Civil Action No. #4:20-CV-593-BP

MOTION FOR AN ORDER TO RECOVER DISCOVERY COSTS

COMES NOW, Thomas R McLean, MD, as the *per se* Plaintiff, to file this motion for an Order to have the Defendant cover all of his discovery costs associated with the deposition of Mr. Eric Pines. Based on facts below, the Defendant owes the Plaintiff \$1850.

1. On May 15, 2023, the Defendant deposed the Plaintiff's expert witness, Mr. Eric Pines.
2. Mr. Pines charges me \$650/h for his services. Given his testimony (Exhibit 1 Page 7:22 to Page 8:7), Mr. Pines decided to provide Mr. Meyers with a discount and only charged him \$500/h (Exhibit 2).
3. In May 2023, Mr. Pines invoiced Mr. Meyers and myself \$3600 for 7.2 hours at \$500. On or about May 2023, I covered all (\$3600) of Mr. Pines' deposition expenses.
4. On or about mid-June 2023, Mr. Meyers sent Mr. Pines a check for \$1750. Exhibit 3.
5. FRCP 26(3)(E) states that: "Unless manifest injustice would result, the court must require that the party seeking discovery: (i) pay the expert a reasonable fee for time spent in responding to discovery." Emphasis added.
6. Mr. Pines' fee of \$500 per hour is more than reasonable because it is less than what I pay Mr. Pines for his services; and a decade ago I charged \$500/h for expert witness work.
7. I respectfully request that the Court to Order Mr. Meyer to compensate me, within 30 day, \$1850 (\$3600-\$1750) for the payments I made to Mr. Pines for Mr. Meyer's discovery.

Certificate of Service

I hereby certify that this pleading was served upon Mr. Meyers via his email.

Respectfully submitted;

May 16, 2023

/es/ Thomas R McLean, MD

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